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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,184	09/25/2003	Eduard K. de Jong	SUN-040027	9837
24209 7590 12/30/2008 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940				
EXAMINER PICH, PONNOREAY				
ART UNIT 2435		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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10672184	9/25/2003	DE JONG, EDUARD K.	SUN-040027

GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY, CA 93940

EXAMINER

PONNOREAY PICH

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Commissioner for Patents

The reply brief filed on 11/3/08 is entered and forwarded to the Board. The examiner notes appellant states in the reply brief that 37 CFR 41.37 provides for the possibility that grounds may be raised for the first time on appeal by appellant. However, the examiner notes that contrary to appellant's assertions, 37 CFR 41.37(b)(2) clearly states a brief shall not include any new evidence. New arguments is clearly new evidence. This rule is in line with *Golden Bridge Technology Inc. v. Nokia Inc.*, 87 USPQ2d 1049 (Fed. Cir. 2008) which also forbids new arguments being raised on appeal without appropriate justification.

/Ponnoreay Pich/
Examiner, Art Unit 2435